

## **Remarks**

### **1. Summary of the Office Action**

In the Final Office Action mailed May 11, 2010, the Examiner maintained the rejections of claims 1, 2, 5, 35-37, 58, 60, and 61 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application Pub. No. 2002/0078198 (Buchbinder) and by U.S. Patent No. 6,374,079 (Hsu), claim 6 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Buchbinder in view of U.S. Patent Application Pub. No 2007/0277201 (Wong) and over Hsu in view of Wong, claims 7-10, 14-16, 18-20, 62-65, and 69-75 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Buchbinder in view of U.S. Patent Application No. 2001/0046366 (Susskind) and over Hsu in view of Susskind, and claims 11-13 and 66-68 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Buchbinder in view of Susskind in further view of U.S. Patent Application Pub. No. 2007/0240181 (Eldering) and over Hsu in view of Susskind in further view of Eldering. The Examiner also introduced a new ground of rejection of claims 1, 2, 5-16, 18-20, 35-37, 58, and 60-75 under 35 U.S.C. § 112 as allegedly failing to comply with the written description requirement and for allegedly failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

### **2. Status of the Claims**

Presently pending are claims 1, 2, 5-16, 18-20, 35-37, 58, and 60-75, of which claims 1, 35, 58, and 60 are independent, and the remainder are dependent. By this response, Applicant has amended claims 1, 35, 58, and 60.

### **3. Response to Rejection under 35 U.S.C. § 112**

As noted above, the Examiner rejected all pending claims under 35 U.S.C. § 112 as allegedly failing to comply with the written description requirement and for allegedly failing to

particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

By the previous amendment, Applicant intended to exclude the possibility of the first and second web portals being hosted by a single entity. The previous amendment recited that “the first and second web portals are web applications respectively hosted by first and second web servers” (i.e., the first web portal is hosted by the first web server and the second web portal is hosted by the second web server). To this end, Applicant has further amended the independent claims to recite that the “first web portal is a first application hosted by a first web server,” and “the second web portal is a second application hosted by a second web server, the second web server being distinct from the first web server.” And to arrest any confusion arising from the recitation of “the first web server,” “the second web server,” and “the server,” Applicant has amended “the server” to read “the middle-tier server.” The “middle-tier” label should not be construed as limiting in any way. Since these are mere clarifying amendments, Applicant respectfully requests the Examiner to enter the amendments.

Applicant directs the Examiner to paragraphs 91-93 and 159-164 of the Specification as well as Figs. 2 and 4B for examples that provide sufficient support for the claims, particularly the limitations reciting that “the first web portal [uses] a first format for exchanging data with the at least one database via the API,” and that “the second web portal [uses] a second format for exchanging data with the at least one database via the API, wherein the second format is different from the first format.”

For example, Fig. 2 illustrates n distinct web servers (i.e., web server 28-1, web server 28-2, and web server 28-n) communicatively coupled to a middle-tier server 40.

Paragraph 91 recites, *inter alia*:

“[i]n one embodiment, servers 28 may be web portals, which is defined to mean a web ‘super-site’ that provides a variety of online services. Alternatively, servers 28 may be web-sites provided by and/or web-hosted by unrelated entities and system administrators.”

Paragraph 93 recites, *inter alia*:

“[r]eferring now to Fig. 4B further details of a particular embodiment of a main memory unit 78B for a server 28 are shown, by way of example. In the embodiment of FIG. 4B, the memory unit 78B preferably comprises an operating system 88, other applications 90, server application programs 92 (“servers 92”), and a “front end” server application 94, all communicatively coupled together via system bus 74. Server 92 may be any conventionally known server application, like for example, an Apache HTTP server. Front end server application 94 is an interface for establishing communication with the middle tier server 40 by sending and receiving requests and data to the API, which will be described subsequently.”

Paragraph 161 recites, *inter alia*:

“[t]he middle tier server 40 then assembles the retrieved data and updated information into formatted data, which are forwarded 240 to the web server 28-1. It is noted that the API on the middle tier server 40 includes that programmable logic to package (i.e. format) data received in a raw format into a form that is well suited for flexibly defining data structures. One format that is advantageous is XML...Other formats, though, will work suitably well...including HTML. The above step 240 is followed by sep 242, whereby the server 28-1 in turn assembles and forwards a presentation, having a format that is well-suited for the client browser 20 (e.g., in HTML, Java, JavaScript), to browser 20....another format that works well...is WML.”

And paragraph 162 recites, *inter alia*:

“[f]urthermore, the API...is flexible so as to permit a portal 28-2 to present the content of information from the middle tier server 40 in a manner that enables display of information using proprietary types of graphical user interfaces (i.e., GUIs) distinctive to those system administrators operating the particular portal (e.g., 28-2).”

In view of the above examples, Applicant submits that there is sufficient support for the claim limitations, particularly the limitations reciting that “the first web portal is a first application hosted by a first web server, and wherein the second portal is a second application hosted by a second web server, the second web server being distinct from the first web server,”

and the limitations reciting that “the first web portal using a first format for exchanging data with the at least one database via the API...[and] the second web portal using a second format for exchanging data with the at least one data base via the API, wherein the second format is different from the first format.” Accordingly, Applicant respectfully requests the withdrawal of these rejections under 35 U.S.C. § 112.

#### **4. Response to the Rejections under 35 U.S.C. § 102(e)**

##### **a. Rejections Based on Buchbinder / the ‘550 application**

As noted above, the Examiner maintained rejections of claims 1, 2, 5, 35-37, 58, 60, and 61 under 35 U.S.C § 102(e) as allegedly being anticipated by Buchbinder. In response to Applicant’s previous arguments, the Examiner admitted that “the ‘550 application does not explicitly feature [Buchbinder’s] Figure 8A and paragraph 109, [as] cited by the Examiner,” but asserted that the ‘550 application does provide written description support for Buchbinder’s Figure 8A and paragraph 109. In an attempt to support this assertion, the Examiner pointed to page 7, lines 5-35 of the ‘550 application, which discuss a user accessing a network server, which in turn communicates with a personal server.

To the extent that the Examiner has interpreted the ‘550 application’s network server to read on the first web server, as recited by claim 1, for example, and to the extent that the Examiner has interpreted the ‘550 application’s personal server to read on the middle-tier server, as recited by claim 1, for example (both of which Applicant does not concede), Applicant submits that ‘550 application is still silent regarding a second web server that is distinct from a first web server. At best, the ‘550 application teaches one (and only one) network server connecting to one (and only one) personal server.

Furthermore, the ‘550 application is silent regarding “implementing in the middle-tier

server an [API] that connects each of the plurality of web portals with at least one database...and that fits data retrieved from the at least one database to a format associated with the each of the plurality of web portals,” as claim 1 recites, for example. In fact, the ‘550 application cannot teach this particular functionality since it does not teach more than one web portal.

For at least these reasons, Applicant submits that the ‘550 application does not teach each and every element of Applicant’s claim 1 and therefore any portions of Buchbinder that are supported by the ‘550 application also do not teach each and every element of Applicant’s claim 1. Accordingly, Applicant respectfully requests the withdrawal of these rejections of claim 1 under 35 U.S.C. § 102(e).

Since the Examiner rejected the remaining independent claims, claims 35, 58, and 60, “by the same embodiment of Buchbinder for the same reasoning,” Applicant submits that these claims are also allowable in view of the above discussion and respectfully requests the withdrawal of these rejections under 35 U.S.C § 102(e).

Further, Applicant does not acquiesce in any assertions made by the Examiner regarding Buchbinder (or regarding the ‘550 application) not expressly addressed in this response.

**b. Rejections Based on Hsu**

As noted above, the Examiner rejected claims 1, 2, 5, 35-37, 58, 60, and 61 under 35 U.S.C § 102(e) as allegedly being anticipated by Hsu. For largely the same reasoning as discussed above, Applicant submits that Hsu does not teach each and every element of claim 1, and therefore does not anticipate claim 1.

It appears as if the Examiner agreed with Applicant’s previous arguments regarding Hsu, but interpreted claim 1 broadly enough to cover “multiple users using different instances of the same web server software,” and asserted Hsu teaches as much. Applicant submits that since

claim 1 recites that the first web portal is a first application hosted by a first web server and the second web portal is a second application hosted by a second web server, the second web server being distinct from the first web server, the Examiner's previous claim interpretation is not valid. And since it is clear that Hsu is silent regarding receiving two requests relating to two devices from two distinct web portals, as claim 1 recites, it is clear that Hsu does not teach each and every element of claim 1 and therefore does not anticipate claim 1. Accordingly, Applicant respectfully requests the withdrawal of these rejections of claim 1 under 35 U.S.C. § 102(e).

Since the Examiner rejected the remaining independent claims, claims 35, 58, and 60, "by the same embodiment of Hsu for the same reasoning," Applicant submits that these claims are also allowable in view of the above discussion and respectfully requests the withdrawal of these rejections under 35 U.S.C § 102(e).

Applicant further submits that each of claims 2, 5-16, 18-20, 36, 37, and 61-75 are allowable too for at least the reason that they each ultimately depend from one of allowable claims 1, 35, and 60.

Still further, Applicant does not acquiesce in any assertions made by the Examiner regarding Hsu not expressly addressed in this response.

## **5. Response to the Rejections under 35 U.S.C. § 103(a)**

As noted above, the Examiner rejected claim 6 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Buchbinder in view of Wong and over Hsu in view of Wong, claims 7-10, 14-16, 18-20, 62-65, and 69-75 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Buchbinder in view of Susskind and over Hsu in view of Susskind, and claims 11-13 and 66-68 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Buchbinder in view of Susskind in further view of Elderin) and over Hsu in view of Susskind in further view of

Eldering.

Without acquiescing in any assertions made by the Examiner not expressly addressed here, Applicant submits that each of claims 6-16, 18-20, and 62-75 are allowable for at least the reason that they each depend from one of allowable claims 1 and 60.

## **6. Conclusion**

Applicant submits that the application is in good and proper form for allowance and therefore respectfully requests favorable reconsideration. If the Examiner believes a telephone interview would expedite prosecution, the Examiner is invited to call the undersigned at 312-913-3351.

Respectfully submitted,

**McDonnell Boehnen  
Hulbert & Berghoff LLP**

Date: July 8, 2010

By: /Cole B. Richter/  
Cole B. Richter  
Reg. No. 65,398